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SUPREME COURT  
STATE OF WASHINGTON

2008 MAY 20 A 11:15

BY RONALD R. CARPENTER

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NO. 81067-2

IN THE SUPREME COURT  
OF THE STATE OF WASHINGTON

(Court of Appeals No. 59457-5-I)

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CITY OF TUKWILA,

Petitioner,

vs.

KELLAS WILLIAM GARRETT,

Respondent.

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CITY OF TUKWILA'S AMENDED RESPONSE TO  
SECOND STATEMENT OF ADDITIONAL AUTHORITIES

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Michael R. Kenyon  
WSBA No. 15802  
Kenyon Disend, PLLC  
11 Front Street South  
Issaquah, Washington 98027-3820  
(425) 392-7090  
Attorneys for Petitioner City of Tukwila

The City of Tukwila submits these additional authorities with respect to the following issue identified in the Brief of Petitioner:

Whether the City's selection of jurors from three King County zip codes was a material departure from the jury selection process required by law.

RCW 3.46.010 (Municipal Department Authorized):

Any city may secure the establishment of a municipal department of the district court, to be designated "The Municipal Department of (city)." Such department may also be designated "The Municipal Court of (city)."

RCW 3.50.007 (Cities and towns of four hundred thousand or less to operate municipal court under this chapter or chapter 3.46 RCW -- Municipal judges in office on July 1, 1984 -- Terms):

After January 1, 1985, cities and towns with a population of four hundred thousand or less which are operating a municipal court under Title 35 or 35A RCW shall operate the court pursuant to this chapter. In the alternative, a city or town may establish a municipal department of a district court under chapter 3.46 RCW.

Municipal judges holding office on July 1, 1984, shall continue to hold office until expiration of their term or January 1, 1986, whichever occurs first.

RCW 3.50.010 (Municipal court authorized in cities of four hundred thousand or less):

Any city or town with a population of four hundred thousand or less may by ordinance

provide for an inferior court to be known and designated as a municipal court, which shall be entitled "The Municipal Court of . . . . . (insert name of city or town)", hereinafter designated and referred to as "municipal court", which court shall have jurisdiction and shall exercise all powers by this chapter declared to be vested in the municipal court, together with such other powers and jurisdiction as are generally conferred upon such court in this state either by common law or by express statute.

3.50.040 (Municipal judges -- Appointed -- Terms, qualifications -  
- District judge as part-time municipal judge):

Within thirty days after the effective date of the ordinance creating the municipal court, the mayor of each city or town shall appoint a municipal judge or judges of the municipal court for a term of four years. The terms of judges serving on July 1, 1984, and municipal judges who are appointed to terms commencing before January 1, 1986, shall expire January 1, 1986. The terms of their successors shall commence on January 1, 1986, and on January 1 of each fourth year thereafter, pursuant to appointment or election as provided in this chapter. Appointments shall be made on or before December 1 of the year next preceding the year in which the terms commence.

The legislative authority of a city or town that has the general power of confirmation over mayoral appointments shall have the power to confirm the appointment of a municipal judge.

A person appointed as a full-time or part-time municipal judge shall be a citizen of the

United States of America and of the state of Washington; and an attorney admitted to practice law before the courts of record of the state of Washington: PROVIDED, That in a municipality having a population less than five thousand persons, a person who has taken and passed by January 1, 2003, the qualifying examination for a lay candidate for judicial officer as provided by rule of the supreme court may be the judge. Any city or town shall have authority to appoint a district judge as its municipal judge when the municipal judge is not required to serve full time. In the event of the appointment of a district judge, the city or town shall pay a pro rata share of the salary.


*City of Medina v. Primm*, 160 Wn.2d 268, 275, 157 P.3 379 (2007)

("Under the legislation, a city with a population of less than 400,000 may elect to either file cases in district court pursuant to RCW 3.66.060, petition for the establishment of a municipal department in the district court pursuant to chapter 3.46 RCW, or create by ordinance a municipal court pursuant to chapter 3.50 RCW.")

DATED this 2<sup>nd</sup> day of May, 2008.

KENYON DISEND, PLLC

By

  
Michael R. Kenyon  
WSBA No. 15802  
Attorney for Petitioner  
City of Tukwila

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BY RONALD R. CARPENTER

I, Margaret Starkey, certify that:

1. I am a citizen of the state of Washington, over the age of eighteen years and not a party to this action.

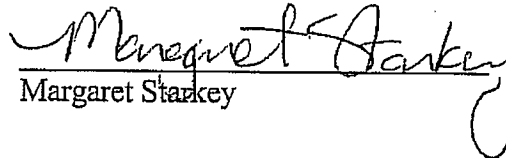
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2. On the 20<sup>th</sup> day of May, 2008, I sent for service a true copy of the foregoing City of Tukwila's Amended Response to Second Statement of Additional Authorities to the following party using the method of service indicated below:

Robert Charles Boruchowitz Ronald A. Peterson Law Clinic 1112 E. Columbia St. Seattle, WA 98122-4458	<input checked="" type="checkbox"/> First Class, U.S. Mail, Postage Prepaid <input type="checkbox"/> Legal Messenger <input type="checkbox"/> Overnight Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> E-Mail
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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 20<sup>th</sup> day of May, 2008 at Issaquah, Washington.

  
Margaret Starkey

FILED AS ATTACHMENT  
TO EMAIL